

**U.S. District Court
North Carolina Middle District (NCMD)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00026-LPA All Defendants
*Internal Use Only***

Case title: USA v. SPENCER

Date Filed: 01/19/2021

Other court case number: X:21mjXX District of Columbia

Date Terminated: 01/19/2021

Assigned to: MAG/JUDGE L.
PATRICK AULD

Defendant (1)**CHRISTOPHER RAPHAEL
SPENCER***TERMINATED: 01/19/2021**also known as***CHRIS SPENCER***TERMINATED: 01/19/2021*

represented by **JAY HARDIN FERGUSON**
THOMAS FERGUSON & MULLINS, L.L.P.
119 E. MAIN ST.
DURHAM, NC 27701
919-682-5648
Fax: 919-688-7251
Email: ferguson@tfblawyers.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level
(Terminated)**

None

Complaints

Rule 5 Arrest

Disposition**Plaintiff****USA**

represented by

GRAHAM TOD GREEN
U. S. ATTORNEY'S OFFICE
251 N. MAIN ST., STE. 726
WINSTON-SALEM, NC 27101
336-631-5268 x3003
Fax: 336-631-5049
Email: graham.green@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: United States Attorney

Date Filed	#	Page	Docket Text
01/19/2021		4	Arrest (Rule 5) of CHRISTOPHER RAPHAEL SPENCER (Garrett, Kim) (Entered: 01/19/2021)
01/19/2021		3	Minute Entry for proceedings held before MAG/JUDGE L. PATRICK AULD:INITIAL APPEARANCE IN RULE 5 PROCEEDINGS as to CHRISTOPHER RAPHAEL SPENCER held on 1/19/2021. AUSA Graham Green. Defendant advised of rights and charges. Defendant confirmed financial was correct and requested court appointed counsel. Attorney Jay Ferguson present and appointed. Government not requesting detention. Defendant released to appear as directed. Oral Notice given of the Due Process Protections Act 2020. Proceedings recorded. (Garrett, Kim) (Entered: 01/19/2021)
01/19/2021	<u>1</u>	5	SEALED FINANCIAL AFFIDAVIT by CHRISTOPHER RAPHAEL SPENCER. (Garrett, Kim) (Entered: 01/19/2021)
01/19/2021	<u>2</u>	6	WAIVER of Rule 5(c)(3) Hearing by CHRISTOPHER RAPHAEL SPENCER (Garrett, Kim) (Entered: 01/19/2021)
01/19/2021	<u>3</u>	7	ORDER appointing CJA Panel Attorney JAY HARDIN FERGUSON to CHRISTOPHER RAPHAEL SPENCER. Signed by MAG/JUDGE L. PATRICK AULD on 1/19/21. (Garrett, Kim) (Entered: 01/19/2021)
01/19/2021	<u>4</u>	8	ORDER Setting Conditions of Release for CHRISTOPHER RAPHAEL SPENCER. Signed by MAG/JUDGE L. PATRICK AULD on 1/19/21. (Garrett, Kim) (Entered: 01/19/2021)

MIME-Version:1.0
From:ECF@ncmd.uscourts.gov
To:ecf@ncmd.uscourts.gov
Bcc:
--Case Participants: JAY HARDIN FERGUSON (ferguson@tfblawyers.com, tfb@tfblawyers.com),
GRAHAM TOD GREEN (caseview.ecf@usdoj.gov, graham.green@usdoj.gov, tricia.crews@usdoj.gov,
usancm.ecfcriminal@usdoj.gov), MAG/JUDGE L. PATRICK AULD
(alexandra_farrell@ncmd.uscourts.gov, judge_auld@ncmd.uscourts.gov,
kimberly_garrett@ncmd.uscourts.gov, sinead_o'doherty@ncmd.uscourts.gov,
wanda_williamson@ncmd.uscourts.gov)
--Non Case Participants: Probation Office (duty@ncmp.uscourts.gov)
--No Notice Sent:

Message-Id:3339206@ncmd.uscourts.gov
Subject:Activity in Case 1:21-mj-00026-LPA USA v. SPENCER Initial Appearance - Rule 5
Content-Type: text/html

U.S. District Court

North Carolina Middle District

Notice of Electronic Filing

The following transaction was entered on 1/19/2021 at 6:19 PM EST and filed on 1/19/2021

Case Name: USA v. SPENCER
Case Number: 1:21-mj-00026-LPA
Filer:
Document Number: No document attached

Docket Text:

Minute Entry for proceedings held before MAG/JUDGE L. PATRICK AULD:INITIAL APPEARANCE IN RULE 5 PROCEEDINGS as to CHRISTOPHER RAPHAEL SPENCER held on 1/19/2021. AUSA Graham Green. Defendant advised of rights and charges. Defendant confirmed financial was correct and requested court appointed counsel. Attorney Jay Ferguson present and appointed. Government not requesting detention. Defendant released to appear as directed. Oral Notice given of the Due Process Protections Act 2020. Proceedings recorded. (Garrett, Kim)

1:21-mj-00026-LPA-1 Notice has been electronically mailed to:

GRAHAM TOD GREEN graham.green@usdoj.gov, CaseView.ECF@usdoj.gov,
tricia.crews@usdoj.gov, USANCM.ecfcriminal@usdoj.gov

JAY HARDIN FERGUSON ferguson@tfblawyers.com, tfb@tfblawyers.com

1:21-mj-00026-LPA-1 Notice will not be electronically mailed to:

MIME-Version:1.0
From:ECF@ncmd.uscourts.gov
To:ecf@ncmd.uscourts.gov
Bcc:
--Case Participants: GRAHAM TOD GREEN (caseview.ecf@usdoj.gov, graham.green@usdoj.gov, tricia.crews@usdoj.gov, usancm.ecfcriminal@usdoj.gov), MAG/JUDGE L. PATRICK AULD (alexandra_farrell@ncmd.uscourts.gov, judge_auld@ncmd.uscourts.gov, kimberly_garrett@ncmd.uscourts.gov, sinead_o'doherty@ncmd.uscourts.gov, wanda_williamson@ncmd.uscourts.gov)
--Non Case Participants: Probation Office (duty@ncmp.uscourts.gov), U. S. Marshal's Office (ecf.usmsncm@usdoj.gov, jeannie.helms@usdoj.gov, jessica.williams2@usdoj.gov)
--No Notice Sent:

Message-Id:3339114@ncmd.uscourts.gov
Subject:Activity in Case 1:21-mj-00026-LPA USA v. SPENCER Arrest - Rule 5
Content-Type: text/html

U.S. District Court

North Carolina Middle District

Notice of Electronic Filing

The following transaction was entered on 1/19/2021 at 5:17 PM EST and filed on 1/19/2021

Case Name: USA v. SPENCER

Case Number: 1:21-mj-00026-LPA

Filer:

Document Number: No document attached

Docket Text:

Arrest (Rule 5) of CHRISTOPHER RAPHAEL SPENCER (Garrett, Kim)

1:21-mj-00026-LPA-1 Notice has been electronically mailed to:

GRAHAM TOD GREEN graham.green@usdoj.gov, CaseView.ECF@usdoj.gov, tricia.crews@usdoj.gov, USANCM.ecfcriminal@usdoj.gov

1:21-mj-00026-LPA-1 Notice will not be electronically mailed to:

January 19, 2021
9:17 pm

Clerk, US District Court
By: kg

MBB

CJA 23
(Rev. 11/11)

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES ☐ DISTRICT COURT ☐ COURT OF APPEALS ☐ OTHER (Specify below)
IN THE CASE OF

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

Christopher Raphael Spencer
208 Little Waterfall Drive
Pilot Mt, NC 27041

CHARGE/OFFENSE (describe if applicable & check box ->)

330-865-0095

☒ Felony
☐ Misdemeanor

DOB 7-21-80

SS 246-53-2848

- 1 ☒ Defendant - Adult
2 ☐ Defendant - Juvenile
3 ☐ Appellant
4 ☐ Probation Violator
5 ☐ Supervised Release Violator
6 ☐ Habeas Petitioner
7 ☐ 2255 Petitioner
8 ☐ Material Witness
9 ☐ Other (Specify)

DOCKET NUMBERS

Magistrate Judge

District Court

Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

INCOME & ASSETS	EMPLOYMENT	Are you now employed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Self-Employed Name and address of employer: <u>U.S. Laws, Greensboro/Kernersville, NC</u> IF YES, how much do you earn per month? \$ <u>17.50 per hour</u> IF NO, give month and year of last employment? _____ How much did you earn per month? \$ _____ If married, is your spouse employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____ IF YES, how much does your spouse earn per month? \$ _____														
	OTHER INCOME	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, give the amount received and identify the sources: <u>RECEIVED: 600 Food Stamps SOURCES: Savings 800 Checking 800</u>														
	CASH	Do you have any cash on hand or money in savings or checking accounts? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, total amount? \$ _____														
	PROPERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, give value and description for each: <u>VALUE: 500 DESCRIPTION: Jeep 1996 Cherokee</u>														
OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS Single <input type="checkbox"/> <input checked="" type="checkbox"/> Married Widowed <input type="checkbox"/> Separated or Divorced <input type="checkbox"/> Total No. of Dependents: <u>4</u> List persons you actually support and your relationship to them: _____														
	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	<table border="1"> <thead> <tr> <th>DESCRIPTION</th> <th>TOTAL DEBT</th> <th>MONTHLY PAYMENT</th> </tr> </thead> <tbody> <tr> <td>Rent</td> <td>\$</td> <td>\$ 650</td> </tr> <tr> <td>Power</td> <td>\$</td> <td>\$ 200</td> </tr> <tr> <td>Insurance</td> <td>\$</td> <td>\$ 163</td> </tr> <tr> <td>Food</td> <td>\$</td> <td>\$ 800</td> </tr> </tbody> </table>	DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT	Rent	\$	\$ 650	Power	\$	\$ 200	Insurance	\$	\$ 163	Food	\$
DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT														
Rent	\$	\$ 650														
Power	\$	\$ 200														
Insurance	\$	\$ 163														
Food	\$	\$ 800														

I certify under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

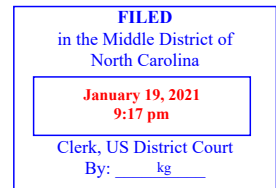
Date

1-19-2021

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina



United States of America

v.

CHRISTOPHER RAPHAEL SPENCER

Defendant

Case No. 1:21mj26

Charging District's Case No.

WAIVER OF RULE 5 & 5.1 HEARINGS (Complaint or Indictment)

I understand that I have been charged in another district, the *(name of other court)* District of Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- X an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- X ~~an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that these hearings be held in the prosecuting district, at a time set by that court.~~

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: January 19, 2021

/s/ Christopher Raphael Spencer by affirmation in open court

Defendant's signature

/s/ Jay Hardin Ferguson by affirmation in open court

Signature of defendant's attorney

Jay Hardin Ferguson

Printed name of defendant's attorney

January 19, 2021
9:18 pm

Clerk, US District Court
By: kg

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)
)
 v.) 1:21mj26
)
CHRISTOPHER RAPHAEL SPENCER)

ORDER

The defendant having demonstrated eligibility for appointment of counsel at government expense, CJA Panel Attorney Jay Hardin Ferguson is directed to provide representation in this action.

 /s/ L. Patrick Auld
L. Patrick Auld
United States Magistrate Judge

Date: January 19, 2021

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

FILED
in the Middle District of
North CarolinaJanuary 19, 2021
6:20 pmClerk, US District Court
By: _____ kg _____

United States of America

v.

CHRISTOPHER RAPHAEL SPENCER

Defendant

Case No. 1:21mj26

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____ as directed
Place

on _____ as directed
Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

- (X) (7) The defendant must:

- (X) (a) submit to supervision by and report for supervision to the United States Probation Supervising Officer ("USPO") ,

telephone number _____, as directed, including by calling the USPO once per week .

- () (b) continue or actively seek employment.

- () (c) continue or start an education program.

- () (d) surrender any passport to: _____

- () (e) not obtain a passport or other international travel document.

- (X) (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to the Middle District of North Carolina unless for scheduled court hearings, scheduled consultation with an attorney, or scheduled USPO appointments.

- () (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____

- () (h) get medical or psychiatric treatment: _____

- () (i) return to custody each _____ a
t _____ o'clock after being released at _____ o'clock for employment,
or the following purposes: _____ schooling,

- () (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

- (X) (k) not possess a firearm, destructive device, or other weapon.

- () (l) not use alcohol () at all () excessively.

- () (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

- () (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

- () (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

- (X) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

() (i) **Curfew.** You are restricted to your residence every day () from _____ t _____, or () as directed by the pretrial services office or supervising officer; or

(X) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

() (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities, court appearances, scheduled attorney visits, or other activities specifically approved by the court.

- (X) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

(X) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

- (X) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

- (X) (s) See attached Additional Release Conditions

ADDITIONAL RELEASE CONDITIONS

The defendant must stay away from and have no contact with Washington, D.C., unless for scheduled court hearings, scheduled consultation with an attorney, or scheduled United States Probation Officer appointments.

The defendant must advise his supervising United States Probation Officer prior to any travel within the United States outside of the Middle District of North Carolina.

The defendant must not travel outside of the continental United States without prior Court approval.

The defendant must participate in all future proceedings as directed.

The defendant must not attempt to interfere with or improperly influence any person who may be a witness to the events of January 6, 2021.

The defendant must report virtually at 1:00 p.m. on January 25, 2021, using the following Instructions for Virtual Reporting, and should log in by 12:50 p.m. to secure a connection:

Join ZoomGov Meeting

<https://uscourts-dcd.zoomgov.com/j/1600140355?pwd=VTlkQ0ZEVmJOTVN3bmUwS05nZndZQT09>

Meeting ID: 160 014 0355

Passcode: 634244

One tap mobile

+16692545252,,1600140355#,,,,,0#,,634244# US (San Jose)

+16468287666,,1600140355#,,,,,0#,,634244# US (New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

+1 669 216 1590 US (San Jose)

+1 551 285 1373 US

Meeting ID: 160 014 0355

Passcode: 634244

Find your local number: <https://uscourts-dcd.zoomgov.com/u/aINbEloTB>

Join by SIP

1600140355@sip.zoomgov.com

ADDITIONAL RELEASE CONDITIONS

Join by H.323

161.199.138.10 (US West)

161.199.136.10 (US East)

Meeting ID: 160 014 0355

Passcode: 634244

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

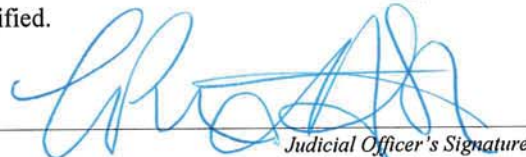

Defendant's Signature

City and State

Directions to the United States Marshal

- (X) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: January 19, 2021


Judicial Officer's Signature

L. Patrick Auld, U.S. Magistrate Judge

Printed name and title